

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BROAD BROOK VENTURES LLC,

Plaintiff,

-vs-

DW RUSSELL LLC D/B/A PACIFIC REEF
SPEARFISHING,

Defendant.

No. 25-893

ORDER TO SHOW CAUSE

THIS MATTER coming before this Court by Plaintiff Broad Brook Ventures LLC, seeking relief by way of Order to Show Cause for a preliminary injunction on the return date set forth below, and the Court having reviewed the Verified Complaint dated January 30, 2025 with exhibits annexed thereto, and Plaintiffs' Memorandum of Law, dated January 30, 2025:

IT IS HEREBY ORDERED that the above named Defendant DW Russell LLC d/b/a Pacific Reef Spearfishing shall appear and show cause before the Honorable _____, United States District Judge, in Courtroom _____ of the United States Courthouse located at _____, New York, New York on _____, or as soon thereafter as counsel can be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminarily:

1. Enjoining Defendant, its directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, from engaging in any activity that would infringe Plaintiff's United States Copyright Registration No. VA 2-297-262, for its sculpture design entitled "Aztec Skull Sculpture Warrior Black";
2. Enjoining Defendant, its directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, to shut down/disable/remove any internet store and/or webpages that advertise, sell or offer to sell products that infringe Plaintiff's Copyright, including ASIN Nos.

B0DB58ZRD6 and B0DHGGQDW9 on Amazon.com, and any other infringing products sold on Walmart, eBay or any other stores by Defendant;

3. Enjoining Defendant its directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them from assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities listed above, including by effecting any assignments or transfers, forming new entities or using any other device for the purpose of circumventing the prohibitions contained in subparagraphs (1) and (2);
4. Enjoining Defendant its directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them from secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by the Plaintiff, that infringe Plaintiff's Copyright; (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products that infringe Plaintiff's Copyright; or (iii) any assets or other financial accounts subject to this Order, including inventory assets, in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, any of the Defendant, including, but not limited to, any assets held by or on behalf of any of the Defendant;
5. Enjoining, under Fed. R. Civ. P. 65(d)(2), any persons who are in active concert or participation with the Defendant who receives actual notice of this order by personal service or otherwise, from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiffs' Application for a preliminary injunction, or until further order of the Court; and
6. Enjoining, under Fed. R. Civ. P. 65(d)(2), all online marketplaces on which Defendant markets, sells or offers to sell infringing goods, including Amazon, Walmart and eBay and any others identified in this proceeding, from transferring or dissipating any funds held in the financial accounts identified with the Defendant, pending the hearing and determination of Plaintiffs' Application for a preliminary injunction, or until further order of the Court; and
7. Such other and further relief as this Court deems just and proper.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause For a Preliminary Injunction, together with the papers upon which it is granted, be **personally served** upon Defendant at its principal place of business at 62 Gulf Breeze Pkwy Suite 165, Gulf Breeze, Florida, 32561, or through its Registered Agent at Registered Agents Inc., 7901 4th Street North, Suite 300, St. Petersburg, Florida 33702, on or before the _____ 2025 and that

this be deemed sufficient service; and

IT IS FURTHER ORDERED that Defendant shall file and serve any and all papers in opposition to the within application by electronic filing with the Court's electronic filing system no later than _____ 2025; and

IT IS FURTHER ORDERED that Plaintiff shall file and serve any and all reply papers in support of the within application by electronic filing with the Court's electronic filing system by no later than _____ 2025; and

IT IS FURTHER ORDERED that Defendant shall file and serve a responsive pleading to the Verified Complaint by electronic filing with the Court's electronic filing system by _____, 2025 and Defendant's failure to do so may result in a judgment by default being rendered against Defendant.

Dated: Brooklyn, New York

_____, 2025

The Court is in receipt of Plaintiff's request for an order to show cause **SO ORDERED** ("OTSC") for a preliminary injunction in this matter. The parties shall appear for a conference on Plaintiff's OTSC on **Thursday, February 6, 2025 at 3:30 p.m.** The conference will be held via Microsoft Teams. The parties should join the conference by dialing dialing (646) 453-4442 and entering the conference ID: **698 713 668**, followed by the pound sign (#).

United States District Judge

Defendant may file any opposition to Plaintiffs' OTSC no later than **10:00 a.m. on Thursday, February 6, 2025.**

By **12:00 p.m. on Tuesday, February 4, 2025**, Plaintiff shall file a letter clarifying whether it seeks any *ex parte* preliminary relief beyond the scheduling of an OTSC conference, and if so, on what basis.

Plaintiff is directed to serve a copy of this Order and all moving papers on Defendant and to promptly file proof of such service on the docket.

SO ORDERED.



Dale E. Ho
United States District Judge

Dated: February 3, 2025
New York, New York